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US Fish & Wildlife Service
CCFWS, Arcata, CA

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November 14, 1998

Bruce Halstead, US Fish & Wildlife Service
1125 16th Street, Room 209
Arcata, CA 95521
fax (707) 822-8411
Re: Permit numbers PRT-828950 and 1157.

Mr. Halstead:

I have many concerns about the draft Habitat Conservation Plan and Sustained Yield Plan submitted by Pacific Lumber Company and do not believe it should be approved as written.

To begin with, Provision 50 C.F.R. 13.21(b)(1) in the Code of Federal Regulations forbids the issuance of an ITP to an entity that has received a criminal citation for the same type of activity as that for which the entity seeks a permit. While countless violations over the past ten years throughout their lands should have rendered PalCo out of consideration for an ITP, certainly the recent spotted owl nesting sites violation in Freshwater should be the "last straw." Why are we even wasting our time, energy and public monies considering this Habitat Conservation Plan?

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I strongly object to granting PalCo an ITP because the company has more than proven that it operates with an attitude of recklessness and self-serving irresponsibility in how it conducts its business. I do not believe that PalCo can be trusted to abide by the conditions it sets forth in its HCP, considering the failure to abide by California State Forest Practices Rules, the ESA, and the conditions of its probation status with CDF in the past year. With that said, and if that isn't sufficient, I will list my concerns with the HCP itself:

CUMULATIVE IMPACTS

Agents from the California Department of Forestry have stated repeatedly at public hearings that they have problems with assessing cumulative impacts on watersheds (Dean Lucke, Tom Osipowich, Freshwater meetings, spring 1998,

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and Board of Forestry meeting, August, 1998), yet CDF has continued to approve numerous THP's for PalCo while admittedly not knowing what the past, current and future impacts might be. This is a policy which cannot be allowed to continue. Mitigation standards as required by CDF have proven to be insufficient. Downstream residents, the streams, fish and wildlife, and watershed systems themselves are living proof of this.

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To continue ignoring the fact that there is excellent science available on the issue of cumulative impacts (numerous reports from Redwood Sciences Lab, Arcata, the Caspar Creek studies, the work of Danny Hagans and Bill Weaver of Pacific Watershed Associates, reports by G.H. Reeves and others from the USFS Pacific Northwest Research Station) is, at this point, criminal, and inexcusable.

PalCo's SYP/HCP dismisses the best available science we have on riparian and forest management practices. If we are serious about protecting and restoring coho salmon, the standards and guidelines outlined in FEMAT should be adopted for all lands throughout the threatened species range. Perhaps if conditions were as they were 100 years ago we could be so liberal as to allow a large private landholder like PalCo to conduct business with an ITP, but given current species and habitat losses, and the minimal habitat that remains, commitment to protection must be first and foremost if we are to preserve any segment of this invaluable and irreplaceable ecosystem.

DOMESTIC WATER SUPPLY

This HCP has limited procedures for the protection of domestic water supplies of downstream landowners. It appears that domestic water supplies will be given the same consideration as Class I streams. This is not enough, particularly given the inadequacy of Class I stream buffer zones put forth in the PalCo HCP. The Hupa Valley Tribe's Forest Plan provides that in order to protect domestic water quality, no harvesting will be allowed within any watercourse or lake protection zone associated with all streams within any watershed which has been designated as a Reservation domestic supply source. This is a reasonable model to follow. Residents of Elk River have had their water supply cut off due to sedimentation of the Elk River, and Freshwater Creek residents are beginning to suffer the impacts of rapid clearcutting in

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their watershed. Meaningful procedures for implementing recovery of water quality and deterrents for degrading water quality need to be included in the HCP.

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CLASS III STREAMS

No buffer zones are provided for in Class III streams. This is absurd. Scientific studies have shown that this is where damage begins which impacts the entire aquatic system below. Unrestricted harvesting in these regions will negate the benefits of the regulations on Class I and II streams. There should be no-harvest buffers on Class III's of at least one site potential tree height on slopes less than 50% and greater for steeper slopes. These plans as written do not stop logging on active landslides and steep slopes.

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NON-FISH AQUATIC SPECIES

Protection for aquatic species and the marbled murrelet are so sadly inadequate as to be laughable. Leaving migration corridors will not help amphibians if they're habitat is clear-cut. The tailed frog, for example, does not migrate and would not survive. Clear-cutting is, any way you look at it, a direct take of their habitat.

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The "no surprises" clause is unacceptable, and unconscionable. No systems ecologist would agree to a plan which allows for the loss of species in this most diverse and precious of ecosystems. It is now known that because of the interdependence of species, even the loss of one species in a system can disrupt the entire system.

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An alternative to the PalCo HCP must be sought, regardless of political and economic pressures, based on conservation of ancient and residual forests, protection and restoration of streams, and long-term certified sustainable forestry. The immense political pressure mobilized behind the Headwaters Forest agreement does not relieve you of your responsibility to evaluate these plans according to the best available science and the standards of existing law. By those criteria, these plans cannot be approved. Thank you for your consideration,

Emelia Berol

